

United States District Court

for the

NORTHERN DISTRICT OF ALABAMA

Jerrell M. McCrary*Plaintiff,**(Write your full name. No more than one plaintiff may be named in a pro se complaint)*

v.

Suit LLC.*Defendant(s),**(Write the full name of each defendant who is being sued. If the names of all defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names)*

Case No.:

4:21-cv-14666-ACA
*(to be filled in by the Clerk's Office)*JURY TRIAL ☒ Yes ☐ No**COMPLAINT FOR EMPLOYMENT DISCRIMINATION****I. The Parties to This Complaint****A. The Plaintiff**

Name	<u>Jerrell M. McCrary</u>
Street Address	<u>P.O. Box 1514</u>
City and County	<u>Greensboro, Guilford County</u>
State and Zip Code	<u>North Carolina 27402</u>
Telephone Number	<u>(336) 218-6610</u>
E-mail Address (if known)	<u>bigtrucker2064@gmail.com</u>



Check here to receive electronic notice through the e-mail listed above. By checking this box, the undersigned consents to electronic service and waives the right to personal service by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2), except with regard to service of a summons and complaint. The Notice of Electronic Filing will allow one free look at the document, and any attached PDF may be printed and saved.

Nov. 2nd, 2021
Date

Jerrell McCrary
Participant Signature

Sign
& Date

II. Basis for Jurisdiction**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Suit LLC.
Job or Title (<i>if known</i>)	
Street Address	251 West Covington Ave.
City and County	Attalla, Etowah
State and Zip Code	AL 35954
Telephone Number	(256) 305-5316
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	_____
Job or Title (<i>if known</i>)	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____
E-mail Address (<i>if known</i>)	_____

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name	Suit LLC.
Street Address	251 West Covington Ave.
City and County	Attalla, Etowah
State and Zip Code	AL 35954
Telephone Number	(256) 305-5316

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law *(specify the federal law)*:

Relevant state law *(specify, if known)*:

Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☒ Failure to hire me
- ☐ Termination of my employment
- ☐ Failure to promote me
- ☐ Failure to accommodate my disability
- ☐ Unequal terms and conditions of my employment
- ☐ Retaliation
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

Pro Se 7 (Rev. 10/16) Complaint for Employment Discrimination

B. It is my best recollection that the alleged discriminatory acts occurred on date(s):
October 8-14, 2020.

C. I believe that defendant(s) *(check one)*:

☒ is/are still committing these acts against me

☐ is/are not still committing these acts against me

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

☐ race

☐ color

☐ gender/sex

☐ religion

☐ national origin

☐ age *(year of birth)*

(only when asserting a claim of age discrimination)

☒ disability or perceived disability *(specify disability)*
Deafness.

E. The facts of my case are as follows. Attach additional pages if needed. _____
See attached for facts of case, EEOC charge filed, EEOC Notice of Right to Sue,
and email documentation.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date): 4/13/2021

B. The Equal Employment Opportunity Commission (*check one*):

☐ has not issued a Notice of Right to Sue letter

☒ issued a Notice of Right to Sue letter, which I received on (date): 8/6/2021

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question:

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (*check one*):

☐ 60 days or more have elapsed

☐ less than 60 days have elapsed

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I would like to be placed in the job I had applied for: Dry Van for the East/Southeast transportation district.

VI. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing: 11/02/2021



Signature of Plaintiff: Jerrell McCrary

Printed Name of Plaintiff: Jerrell M. McCrary

B. For Attorneys

Date of Signing: _____

Signature of Attorney: _____

Printed Name of Attorney: _____

Bar Number: _____

Name of Law Firm: _____

Street Address: _____

State and Zip Code: _____

Telephone Number: _____

E-mail Address: _____

E. The facts of my case are as follows.

On or around October 2, 2020 a Suit LLC. recruiter reached out to me regarding a driver position that was newly available. I was interested in this Southeast Regional driving position with Suit LLC. and had applied because it would allow me be home on the weekends, and I would be able to stay on the East Coast. After I had applied, I had sent Suit LLC. my waiver from the Department of Transportation and received a certificate from the Medical Examiner which stated that I was able to drive and was qualified for this position, and have worked in these driver positions in the past.

Between October 2 and 12, 2020, I had been speaking to the recruiter, Kim Parr, about the position over email. She had spoken to the Safety Department and was told that I needed to send copies of my Medical Examiners Certificate and copies of my driver's license in order to continue moving the application on.

On or around October 12, 2020, the owner of Suit LLC. had asked the recruiter whether I could hear a whisper or not. I was called by Suit LLC. and was asked whether I could hear a whisper. I told them no, I could not hear a whisper because I am deaf.

On October 14, 2020, I was told by the recruiter that I was not approved to be hired by Suit LLC. I asked the recruiter who had said I was not approved for hiring, and why I was not approved for hiring. The recruiter responded saying that, "The Owner does not give a reason why he does not approve an application. He writes ok or no on the application. Hands them back to me and that's it. He does not discuss them or go over them with anyone. I can not give you any reason. Sorry that I can not help you anymore with that. Thanks."

I filed a charge with the EEOC, and although a day late, they gave me a Notice of the Right to Sue. I have attached the EEOC charge filed, the Notice of the Right to Sue, as well as the email communications from the Suits LLC. recruiter, Kim Parr.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 420-2021-01233 </div> </div>	
and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) MR. JERRELL MCCRARY		Home Phone (336) 218-6610	Year of Birth
Street Address City, State and ZIP Code 1601 RANDLEMAN RD APT. C, GREENSBORO, NC 27406			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name SUITS		No. Employees, Members 15 - 100	Phone No. (256) 305-5316
Street Address City, State and ZIP Code 251 W. COVINGTON AVE, ATTALLA, AL 35954			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10-08-2020 10-14-2020 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I. On October 08, 2020, I applied for a Van Driver position Respondent had announced on their site. On October 12, 2020, I was contacted by Respondents Human Resources Director (female), via phone and was informed that my application had been accepted. Shortly after, she contacted me when she became aware of my disability. She contacted Respondents safety department about my application, and she was referred to speak with the owner. She stated that the owner wanted to know if was able to hear a whistle, and I replied that I am fully deaf. She told me that she had to withdraw my application from consideration.</p> <p>II. Respondents Human Resources Director (female) change to recruiter, she told me that she had to withdraw my application from consideration because of the owner refused to give to the recruiter the reason why I wont hire.</p> <p>III. I believe I have been discriminated due to my disability in violation of the Americans with Disabilities Act of 1990, as amended, by the Americans with Disabilities Act</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Digitally signed by Jerrell Mccrary on 04-13-2021 04:33 PM EDT		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

420-2021-01233

and EEOC

*State or local Agency, if any***Amendments Act of 2008, with respect to denial of an accommodation and failure to hire.**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Digitally signed by Jerrell Mccrary on 04-13-2021
04:33 PM EDT**

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

- 1. FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
- 2. AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
- 3. PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
- 4. ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
- 5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an

investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.



Jerrell McCrary <bigtrucker2064@gmail.com>

Notice of dismissal/ Right to Sue

4 messages

Jerrell McCrary <bigtrucker2064@gmail.com>

Wed, Sep 8, 2021 at 1:42 PM

To: NEREIDA RAMOS <NEREIDA.RAMOS@eeoc.gov>, NEREIDA RAMOS <arlene.glover@eeoc.gov>

Good afternoon

I decided to email both of you and I'm trying to look for "Notice of dismissal/Right to Sue" on the portal to print it. Can you tell me where to start or explain it to me to look for it? I don't know where to look for or find it on the portal. It would be great to explain it to me where to start to the end. I'm looking forward to hearing from you.

NEREIDA RAMOS <NEREIDA.RAMOS@eeoc.gov>

Thu, Sep 9, 2021 at 2:34 PM

To: Jerrell McCrary <bigtrucker2064@gmail.com>, ARLENE GLOVER <ARLENE.GLOVER@eeoc.gov>

Good afternoon Mr. McCrary,

I received and listened to your voicemail. I am providing you with a copy of the call transcript.

(Hello Miss Ramos this is jurelle. McClair mccrary. And I'm calling about the come form. Called notice of Rights of the Notice of Rights forms that I received yesterday. I'm not sure if what it means up. He'll see. I applied so the case late, meaning come it's not gonna work or because I applied late but still. Can you process and find if there's any law against the company? I'm not sure exactly what the fourment. It was late, meaning its not gonna work or I don't really know. So if you please give me a call back I'd appreciate it. Thank you. This message just left to interpreter 1273 with Sorenson Video relay service. Thank you. I.

You received a voice mail from MCCRARY,JERRELL.)

When I spoke to you via interpreter on August 03, 2021, I informed you that the EEOC was dismissing your charge against SUITS because the charge was untimely. Meaning, your charge was filed after the Statute of Limitation of 180 days expired.

Therefore, the Commission has no jurisdiction to investigate your allegations and the reason the Notice of Right to Sue was issued. Your charge with the Commission against SUITS is closed due to this reason, and will not be investigated.

You have the opportunity to take SUITS to court at your own expense with the Notice of Right to Sue provided to you.

On August 03, 2021, I emailed you an Attorney Referral list for the State of NC. The EEOC does not sponsor, support, or recommend any attorney on the referral list. You may contact any attorney on the list and explain your allegations to them, they will should be able to further assist you.

I hope this clarifies any confusion you may have.

Have a great day.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Jerrell M. Mccrary**
1601 Randleman Rd Apt. C
Greensboro, NC 27406

From: **Greensboro Local Office**
1500 Pinecroft Road
Suite 212
Greensboro, NC 27407



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

420-2021-01233

Nereida Ramos,
Investigator

(336) 604-5182

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission



Digitally signed by Arlene M. Glover
 DN: cn=Arlene M. Glover, o=US EEOC,
 ou=Greensboro Local Office,
 email=arlene.glover@eEOC.gov, c=US
 Date: 2021.08.06 21:55:02 -0400

8/6/2021

Enclosures(s)

Arlene M. Glover,
Local Office Director

(Date Issued)

cc:

Jordan Frachiseur
Fleet Safety Manager
SUIT LLC
251 W COVINGTON AVE
Attalla, AL 35954

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 -- not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Enclosures(s)

cc: **Susan Han**
Red Mountain Law Group
2100 1ST AVE N
STE 600
Birmingham, AL 35203

NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA): The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

“Actual” disability or a “record of” a disability (note: if you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability):

- **The limitations from the impairment no longer have to be severe or significant for the impairment to be considered substantially limiting.**
- **In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), “major life activities” now include the operation of major bodily functions, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.**
- **Only one major life activity need be substantially limited.**
- **With the exception of ordinary eyeglasses or contact lenses, the beneficial effects of “mitigating measures” (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) are not considered in determining if the impairment substantially limits a major life activity.**
- **An impairment that is “episodic” (e.g., epilepsy, depression, multiple sclerosis) or “in remission” (e.g., cancer) is a disability if it would be substantially limiting when active.**
- **An impairment may be substantially limiting even though it lasts or is expected to last fewer than six months.**

“Regarded as” coverage:

- **An individual can meet the definition of disability if an employment action was taken because of an actual or perceived impairment (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).**
- **“Regarded as” coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.**
- **The employer has a defense against a “regarded as” claim only when the impairment at issue is objectively BOTH transitory (lasting or expected to last six months or less) AND minor.**
- **A person is not able to bring a failure to accommodate claim if the individual is covered only under the “regarded as” definition of “disability.”**

Note: Although the amended ADA states that the definition of disability “shall be construed broadly” and “should not demand extensive analysis,” some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability. For more information, consult the amended regulations and appendix, as well as explanatory publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.



Jerrell McCrary <bigtrucker2064@gmail.com>

SUIT Company Info

1 message

Kimberly Parr <kimberly_parr_140112_64816810@mail.tenstreet.com>
Reply-To: kimberly_parr_140112_64816810@mail.tenstreet.com
To: bigtrucker2064@gmail.com

Fri, Oct 2, 2020 at 4:04 PM

At Suit our focus is on overall lifestyle quality of our Driver. This means excellent home time programs with great pay, equipment and benefits.

Company Overview:

No Touch Freight

70% Drop & Hook

Pay: (Paid loaded or empty) Both pay options offer **11 cents per diem option**

S E Reg: 40 cpm (1 Year exp) to 44 cpm (5+ years exp)

OTR: 42 cpm (1-year exp) to 46 cpm (5+ years exp)

****If you're a Veteran and provide a copy of your DD214 you get awarded an extra cpm. Thank you for your service!****

****Guaranteed Pay – Suit will guarantee your paycheck.** If you work a 5-day work week & get held up on the road due to a breakdown, shipper issues, planner error etc... We will pay you a minimum of \$1000 – \$1100 for the week. Suit has your back if situations arise that are out of your control.

Pay is direct deposit every Friday into your Bank account

Home time: Drivers CHOOSE their own home time

OTR: Driver will set their own home time

(We do not drive CA, OR, WA and we do not go East of i81)

Average Miles:

2800 - 3000 Miles (drivers that are home on weekends)

3000 + Miles

Southeast Regional: Home on Weekends

Drives the following States: VA, NC, SC, GA, AL, MS, LA, AR, TN, KY and the pan handle of FL

Average Miles

S E Regional

2300-2500 Miles

Equipment:

2016 & 2017 Freightliner Cascadia Evolution, International Pro- Star

10 Speed Manual with Detroit DD15 Engine

Governed at 67 mph

2018- 2020 Wabash and Vanguard Trailers

You take your truck home when you go in for home time

You supply it and our shop will put a 1500-watt (Max) inverter or CB in (It is mandatory that our shop install so that it doesn't void the warranty on the truck)

*****We own our equipment. We do not lease it******

Company paid scale tickets

Reimbursed Tolls

Rider policy: 18 years and they can **NOT** hold a Class A License (No fees or deposits)

Pet Policy: 1 dog or cat and fill out a paper with Safety and keep it in the truck at all times. (No fees or deposits)

Insurance: BC/BS of AL Medical and Dental. VSP Vision Ins after 90 Days of Employment
****Accident, Life, Cancer Policy and other Insurances available upon request.**

If interested please apply at the link below:
<https://intelliapp.driverapponline.com/c/suit>

Check us out at
www.suittrans.com or search for us on Facebook @ Suit Transport.

Kimberly Parr
Driver Recruiter
256-305-5316



www.suittrans.com



Hearing Waiver (2)

1 message

Kim Parr <KParr@suittrans.com>

Mon, Oct 12, 2020 at 5:03 PM

To: Jerrell McCrary <bigtrucker2064@gmail.com>

Do you have a copy of the Medical Examiners Certificate? Safety will need a copy of it also. Your paperwork states you must have one on you with this waiver at all times.

Kimberly Parr

Driver Recruiter

Office: (256) 305-5316

Fax: 256-305-5058

Email: kparr@suittrans.com

Website: www.suittrans.com

Facebook: <https://www.facebook.com/suittransport>

From: Jerrell McCrary <bigtrucker2064@gmail.com>

Sent: Monday, October 12, 2020 4:00 PM

To: Kim Parr <KParr@suittrans.com>

Subject: Hearing Waiver (2)



Hearing Waiver (2)

1 message

Kim Parr <KParr@suittrans.com>

Mon, Oct 12, 2020 at 5:14 PM

To: Jerrell McCrary <bigtrucker2064@gmail.com>

I will need a copy of the medical examiners certificate along with a copy of the front and back of your drivers license. I have to submit it all to our Safety dept.

[Quoted text hidden]

12:25 86%



Jerrell McCrary Oct 14

Who's the person told u that I'm not approved to hire?

Jerrell McCrary Oct 14

Why didn't the owner doesn't approve of me? I need to know from the owner's



Kim Parr Oct 14

to me ✓



The Owner does not give a reason why he does not approve an application. He writes ok or no on the application. Hands them back to me and that's it. He does not discuss them or go over them with anyone. I can not give you any reason. Sorry that I can not help you anymore than that. Thanks.

Show quoted text

Draft 12:12 PM

----- Forwarded message ----- From:
Kim Parr Date: Wed, Oct 14, 2020, 12:15

Draft 12:12 PM





Hearing Waiver (2)

1 message

Kim Parr <KParr@suittrans.com>

Wed, Oct 14, 2020 at 1:13 PM

To: Jerrell McCrary <bigtrucker2064@gmail.com>

The Owner did not approve your application for hire. He does not give me any reasons why. He just says ok or no.

[Quoted text hidden]



Hearing Waiver (2)

1 message

Jerrell McCrary <bigtrucker2064@gmail.com>

To: Kim Parr <KParr@suittrans.com>

Wed, Oct 14, 2020 at 2:04 PM

Who's the person told u that I'm not approved to hire?

[Quoted text hidden]



Hearing Waiver (2)

1 message

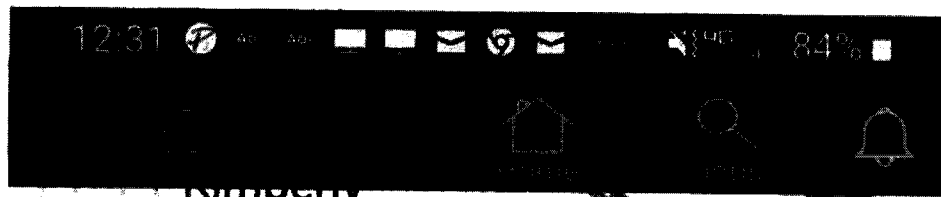
Kim Parr <KParr@suittrans.com>

Wed, Oct 14, 2020 at 2:15 PM

To: **Jerrell McCrary** <bigtrucker2064@gmail.com>

The Owner does not give a reason why he does not approve an application. He writes ok or no on the application. Hands them back to me and that's it. He does not discuss them or go over them with anyone. I can not give you any reason. Sorry that I can not help you anymore than that. Thanks.

[Quoted text hidden]



Kimberly

Recruiter

Call

Message



Events



3 weeks ago

Message – Kimberly@SUIT Your

→ application was not approved for hire. The
Owner does not give me any reasons why.



Message – Your application for

→ Employment that you submitted to Suit has
been approved. Please call 256-305-5316
between the hours of 8am – 5pm CST



Message -- Sent you a copy of your: **MVR**



Message – Sent you a copy of your: **CDLIS**



Message – Sent you a copy of your: **PSP**



An IntelliApp was received



An IntelliApp was received

1 month ago



You have been assigned a new Recruiter



An application from CDLLife was received





Jerrell McCrary <bigtrucker2064@gmail.com>

Witness of an interpreter ID # and Applied dated

1 message

Jerrell McCrary <bigtrucker2064@gmail.com>

Fri, Apr 9, 2021 at 8:54 PM

To: NEREIDA RAMOS <NEREIDA.RAMOS@eeoc.gov>

Kimberly Parr
Suit Trk Co. Confirmed #107175680-287231 (10/8/20)

Interpreter ID # 6895 (Sorenson)
@ 4:07 pm on 10/12/20
(256) 305-5316

Interpreter Information
↳ For Witnesses!

Best Ideas Under the

Contact:

Legal Dept Phone #
(801) 287-9461

E: legal@sorenson.com

Interpreter ID #6895
(Witness) (Sorenson Intep.)

daysinn.com
1-800-Days-Inn®
Para Español 1-888-709-4024



Subject: Started on Mon, Jul 5, 12:02 PM
Date: Tuesday, October 5, 2021 at 11:55:52 AM Eastern Daylight Time
From: Jerrell McCrary
To: Holly M Popple, Madeline R Thibault

Welcome to USA Legal Docs



support@usalegaldocs.com

to me ▾

Dear Jerrell Mcerary,

Welcome to USA Legal Docs. You and your family now have access to free and discounted legal products, information and s

To receive a list of attorneys that offer free consultations, complete the 3 following steps from your mobile phone:

1. Login to our member website by clicking on the following link: www.usalegaldocs.com and entering your username: 29488
2. Complete and submit the "Attorney Request Form".
3. A list of attorneys will then be compiled and delivered to your mobile phone by text message.

Should you need further assistance, please contact us: Monday through Friday, 5:00am-5:00pm, PST. You can also email us

Sincerely,
USA Legal Docs,
800-957-8455

Monday, October 25, 2021 at 15:32:53 Eastern Daylight Time

Subject: Dated on Aug 30, 2021, 3:34 PM (Name of the lawyers & businesses)
Date: Tuesday, October 5, 2021 at 11:55:19 AM Eastern Daylight Time
From: Jerrell McCrary
To: Holly M Popple, Madeline R Thibault

USA Legal Docs

Inbox



Client Services <support@usalegaldocs.com>

to me ▾

Dear Jerrell,

We have researched & compiled a list of attorneys per your request. Please contact the attorneys listed below to schedule a

Kira Fonteneau 205-564-9005
McGuire & Assoc. 334-651-8891
Henry F. Sherrod III 888-764-4141

Should you need further assistance, please contact us Monday-Friday, 5:00 am to 5:00 pm. You can also email us 24hrs at: ;

Sincerely,
Chris M.
USA Legal Docs
800-957-8455

Monday, October 25, 2021 at 15:32:34 Eastern Daylight Time


Subject: Pepper & Odom Law Firm

Date: Tuesday, October 5, 2021 at 11:55:20 AM Eastern Daylight Time

From: Jerrell McCrary

To: Holly M Popple, Madeline R Thibault

Hey Mr.
McCrary,
how are you
today? I
wanted to
reach out to
you to see
what a good **Tanner Vaughn** <tannersvaughn04@gmail.com>
time was
tomorrow to
give your
interpreter a
call to get
some basic
information
from
you. Thanks!

from:
to: cooldaddioj@gmail.com
date: Aug 25, 2021, 5:35 PM
subject: Pepper&Odom Law Firm
mailed-by: [gmail.com](mailto:)
signed-by: [gmail.com](mailto:)
security:  Standard encryption (TLS) [Learn more](#)

P.S. I think I forget to call them back.

Monday, October 25, 2021 at 15:32:20 Eastern Daylight Time

Subject: Name of the lawyers and businesses

Date: Tuesday, October 5, 2021 at 11:55:24 AM Eastern Daylight Time

From: Jerrell McCrary

To: Holly M Popple, Madeline R Thibault

Michael Stein (Deaf lawyer)
Stein & Vargas, LLP
10 G Street NE, Suite 600
Washington, DC 20002
michael.stein@steinvargas.com

(Emailed from Legal-Aid)

Client Services <support@usalegaldocs.com>

to me ▾

Dear Jerrell, we have researched & compiled a list of attorneys per your request. Please contact the attorneys listed below to schedule a free consultation:

2052501107 Pepper & Odom Law Firm (I think I forget to call them back)

3343452765 Alsobrook Law Group

2514147772 O'Hara Watkins LLC

10/5/21, 11:15 AM

Gmail - Dismissal and Notice of Rights



Jerrell McCrary <cooldaddioj@gmail.com>

Dismissal and Notice of Rights

2 messages

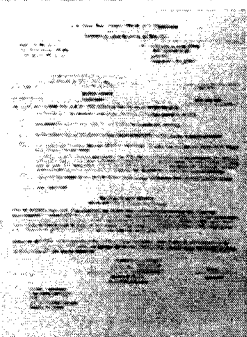
Jerrell McCrary <cooldaddioj@gmail.com>
To: ed@fordhowardcornett.com

Thu, Sep 9, 2021 at 2:02 AM

Hi, Mr. Ed Howard

How are you and how was your holiday weekend too? I'm sorry for the delay since I got back home from the funeral during the whole holiday weekend. I decided to email you a copy of the dismissal and notice of rights from EEOC. I'm hoping this is what you need to see in the copy of this letter. If this is the case or the right ones, please let me know. If you have any questions, please call me or email me at any time. I'm looking forward to hearing from you soon. Have a blessed day.

Jerrell McCrary

*(Copy of Right to Sue)*

20210909_014234.jpg
4505K

Ed Howard <ed@fordhowardcornett.com>
Reply-To: ed@fordhowardcornett.com
To: Jerrell McCrary <cooldaddioj@gmail.com>

Thu, Sep 9, 2021 at 12:12 PM

Dear Jerrell,

Thank you for your follow-up email and the attachment. Yes, that is the document I needed to see: the Notice of Dismissal and Right-to-Sue document from the EEOC.

As you can see, the EEOC dismissed your charge for the specific reason that it was untimely; that is, that you filed it after the time period allowed. As we discussed on the telephone through the interpreter, the equal employment opportunity laws require that before you can sue in court for unlawful employment discrimination, you must file a charge with the EEOC. That in turn

has to be done typically within 180 days of the unlawful act, in your case, the non-hiring. After the EEOC dismisses, then one has 90 days in which to file a suit in federal court.

Based on what you told me in the telephone discussion, I do not foresee any way around the fact that your charge with the EEOC was too late. In my view, if you were to file a suit, it would be dismissed immediately for that reason.

I regret that I cannot help you. You may, however, wish to get a second opinion. Regardless, please remember that any suit you file must be filed with 90 days of your receipt of the EEOC notice.

Respectfully,

Ed Howard

H. Edgar Howard

FORD, HOWARD & CORNETT, P.C.

(location) 140 South 9th Street

Gadsden, AL 35901

(mail) P.O. Box 388

Gadsden, AL 35902

256-546-5432

256-546-5435 (fax)

www.fordhowardcornett.com

ed@fordhowardcornett.com

[Quoted text hidden]



1 message

Thu, Sep 23, 2021 at 5:53 AM

Thank you for contacting NCABL with this request.

Best.

Victoria Isom
J.D. Candidate, 2022
Wake Forest University School of Law

From: North Carolina Association of Black Lawyers <general@nc-abl.org>
Reply-To: North Carolina Association of Black Lawyers <general@nc-abl.org>
Date: Monday, September 13, 2021 at 5:36 PM
To: "general@nc-abl.org" <general@nc-abl.org>, "adminassistant@nc-abl.org" <adminassistant@nc-abl.org>
Subject: NCABL Contact Form Submission - Jerrell

You have a new website form submission:

1. **First Name**
Jerrrell
2. **Email Address**
cooldaddioj@gmail.com
3. **Phone Number**
338-338-7818
4. **Message**

I am an African American resident of Greensboro, NC, and I'm hearing impaired. I filed a claim with the EEOC regarding a trucking company's refusal to hire me as a driver.

This message was sent from <https://nc-abl.org>.